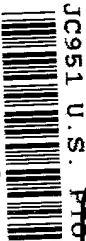


02/05/02



02-11-02

PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	29.US4.DIV
First Inventor	Bernard BIHAIN, et al.
Title	Lipoprotein-Regulating Medicaments
Express Mail Label No.	EL 821903127 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
 2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
 3. ☒ Specification [Total Pages (preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
 4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets - 5. ☐ Oath or Declaration [Total Pages - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☒ paper
 - c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09 / 485,316

Prior application information: Examiner J Taylor Cleveland

Group Art Unit. 1655

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

000027206

or ☒ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	John Lucas, Ph.D., J.D.				
Address	GENSET CORPORATION 10665 Sorrento Valley Road				
City	San Diego	State	CA	Zip Code	92121-1609
Country	U.S.A.	Telephone	858/597-2600	Fax	858/597-2601

Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373
Signature		Date	2/5/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,076.00

Complete if Known

Application Number	
Filing Date	February 5, 2002
First Named Inventor	Bernard BIHAIN, ET AL.
Examiner Name	J. Taylor Cleveland
Group Art Unit	1655
Attorney Docket No.	29.US4.DIV

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1181
 Deposit Account Name Genset Corporation

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	740
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ 740.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
14	-20** = 0	18	0
7	-3** = 4	84	336
Multiple Dependent			0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 336.00

**for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

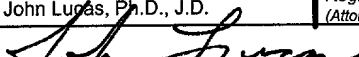
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00

SUBMITTED BY

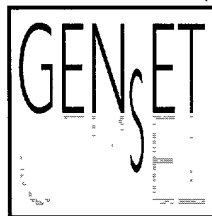
Express Mail Label No. EL 821903127 US

Complete (if applicable)

Name (Print/Type)	John Lucas, Ph.D., J.D.	Registration No. (Attorney/Agent)	43,373	Telephone	(858) 597-2600
Signature		Date	2/5/02		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



A

G E N S E T

Direct Dial: (858) 597-2610
E-Mail: john.lucas@genxy.com

February 5, 2002

Express Mail Label No. EL 821903127 US

Assistant Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

RE: U.S. Divisional Patent Application
For: LIPOPROTEIN-REGULATING MEDICAMENTS
Inventor(s): Bernard Bihain, Lydie Bougueleret, Frances Yen-Potin
Our Ref.: 29.US4.DIV

Dear Sir:

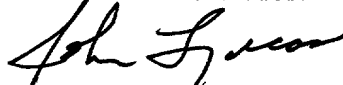
Enclosed please find the above-identified utility patent application for filing with the United States Patent and Trademark Office. This application is a divisional application of U.S. Serial No. 09/485,316, filed February 4, 2000, which claimed priority under 35 U.S.C. §371 to PCT/IB98/01256, filed August 6, 1998, which claimed priority on French Patent Application No. 97 10088, filed August 6, 1997, and to Application No. 98 05032, filed April 22, 1998. The following documents are transmitted herewith:

	<u>Quantity</u>
1) Specification and Claims	52 pages
2) Figures 1-7B	7 sheets
3) Application Data Sheet	4 pages
4) Preliminary Amendment	6 pages
5) Utility Patent Application Transmittal, Fee Transmittal for FY 2002, Patent Application Fee Determination Record	3 sheets
6) Our check #3623 in the amount of \$1,076.00 for the filing fee	
7) Paper copy of Sequence Listing	20 pages
8) Sequence Listing Verification Statement under 1.821	1 page
9) Photocopy of Declaration and Power of Attorney as filed in S/N 09/485,316	2 pages
10) Revocation and Power of Attorney; Statement under 37 CFR 3.73(b)	2 pages
11) Return Receipt Postcard	

The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment in the processing of these documents to our Deposit Account No. 50-1181.

Very truly yours,

GENSET CORPORATION

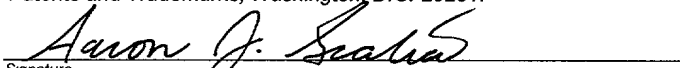


John Lucas, Ph.D., J.D.
Reg. No. 43,373

JL/AS/cmm
Enclosures
cc: Helene Sarraseca (w/encls.)

Certificate of Mailing under 37 CFR 1.10

Express Mail Label No.: EL 821903127 US Date of Deposit: February 5, 2002
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Signature
AARON J. SCALIA
Typed or Printed Name of Person Signing Certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Divisional Patent Application of:)
)
Inventor(s) : **Bernard Bihain, Lydie Bougueleret,**)
 Frances Yen-Potin)
) Art Unit : 1655
Serial No. :)
) Examiner : J. Taylor Cleveland
Filed : **February 5, 2002**)
)
Parent Application:)
)
Serial No. : 09/485,316)
)
Filing Date : February 4, 2000)
)
Title : **LIPOPROTEIN-REGULATING**)
 MEDICAMENTS)

SUBMISSION OF SEQUENCE LISTING AND STATEMENT UNDER 1.821

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The paper copy of the Sequence Listing in this application is identical to the computer readable copy of the Sequence Listing filed in application Serial Number **09/485,316**, filed **February 4, 2000**.

In accordance with 37 CFR 1.821(e), please use the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing was included in the originally-filed specification of the instant application. The undersigned hereby certifies that the paper and computer readable copies contain the same information.

The Commissioner is hereby authorized to credit any overpayment or charge any additional fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to our Deposit Account No. 50-1181.

Respectfully submitted,
GENSET CORPORATION

Date: 2/5/02, 2002

By: John Lucas
John Lucas, Ph.D., J.D.
Registration No. 43,373

10665 Sorrento Valley Road
San Diego, CA 92121-1609

Telephone: (858) 597-2600
Facsimile: (858) 597-2601

e-mail: john.lucas@genxy.com

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Aaron J. Scalia
Signature

AARON J. SCALIA
Typed or Printed Name of Person Signing Certificate